**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mitsuru Ohkubo, et al.

Serial No. 10/565,326

Filed: January 20, 2006

For: INDOLOPYRROLOCARBAZOLE DERIVATIVES AND
ANTI-TUMOR AGENTArt Unit: To be determinedExaminer: To be determinedCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.By [Signature] Date 8/4/06

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

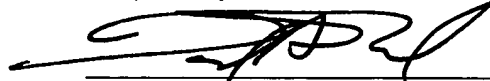
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard

Attorney _____ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3903

Date: August 1, 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mitsuru Ohkubo et al.

Serial No.: 10/565,326 Case No.: BY0019YP

Filed: January 20, 2006

For: INDOLOCARBAZOLE DERIVATIVE AND ANTI-TUMOR AGENT

Art Unit:
To be determined

Examiner:
To be determined

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37
C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that two (2) of the documents listed on the USPTO 1449 for submitted herewith is not in the English language and a copy of an English translations of that documents is not within the possession, custody or control of Applicants, and, to the Applicants knowledge, is not readily available. Below is a concise explanation of the relevance of those non-English documents:

The Japanese patent publication JP 6-128283 discloses preparation of a series of 5H-indolo[2,3-a]pyrrolo[3,4-c]carbazol-5,7(6H)-dione compounds having a substituted amine substituent on the amine of the fused carbazole dione ring. The compounds disclosed therein are described as anti-tumor compounds. There is no specific disclosure in the JP 6-128283 publication of pyridylalkylamine, furylalkylamine or thienylalkylamine substituents on the amine of the fused carbazol dione ring.

The PCT patent publication WO96/04293 discloses preparation of a series of 5H-indolo[2,3-a]pyrrolo[3,4-c]carbazol-5,7(6H)-dione compounds having a substituted amine substituent on the amine of the fused carbazole dione ring. The compounds disclosed therein are described as anti-tumor compounds. There is no specific disclosure in the WO96/04293 publication of pyridylalkylamine, furylalkylamine or thienylalkylamine substituents on the amine of the fused carbazol dione ring.

The instant invention discloses a series of 5H-indolo[2,3-a]pyrrolo[3,4-c]carbazol-5,7(6H)-dione compounds having pyridylalkylamine, furylalkylamine or thienylalkylamine substituents on the amine of the fused carbazol dione ring, wherein the pyridyl, furyl and thienyl moieties are not further substituted.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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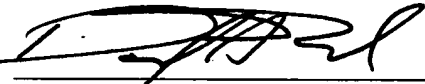
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BY: 

DATE: 8/1/06

Date: August 1, 2006

Respectfully submitted,

By: 

David A. Muthard

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Attorney for Applicant(s)

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BY0019YP

To be determined

[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		EPO	EP 0528030A		Banyu Pharmaceutical Co., Ltd.	02/24/1993
		PCT	WO 96/04293 (Explanation Att.)		Banyu Pharmaceutical Co., Ltd.	02/15/1996
		PCT	WO 02/079214		Merck & Co., Inc.	10/10/2002
		JPO	JP 10-245390 (Eng Trans Att.)		Banyu Pharmaceutical Co., Ltd.	09/14/1998
		JPO	JP 6-12823 (Explanation Att)		Banyu Pharmaceutical Co., Ltd.	05/10/1994

Date
Considered

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INFORMATION DISCLOSURE

(use as many sheets as necessary)

COMPLETE IF KNOWN**Application Number**

10/565,326

Filing Date

January 20, 2006

First Named Inventor

Mitsuru Ohkubo

Group Art Unit

To be determined

Examiner Name

To be determined

Sheet

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of

2

Attorney Docket Number

BY0019YP

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
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Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

**Examiner
Signature**

Date
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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